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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : April 11, 2003
Matthew J. Carey et al. : Group Art Unit: 1773
Serial No.: 09/916,390 : Examiner: Holly C. Rickman
Filed: 07/26/2001 : San Jose, California

Title: **DUAL-LAYER PERPENDICULAR MAGNETIC RECORDING MEDIA
WITH LAMINATED UNDERLAYER FORMED WITH
ANTIFERROMAGNETICALLY COUPLED FILMS**

RESPONSE

Commissioner for Patents
Washington, DC 20231

Dear Sir:

This is in response to the Office Action mailed 01/29/2003.

Claims 1-9, 11-24 and 26 remain.

All claims have been rejected under Sections 102(e) and/or 103(a) as anticipated by and/or in view of US2002/0028357 (Shukh et al.).

The Examiner was not persuaded of Applicants' prior invention by the Rule 131 Declaration filed with the previous amendment because Applicants failed to provide supporting evidence. Included with this Response is a new Rule 131 Declaration by all inventors to which is attached supporting evidence in the form of pages from an invention disclosure. Page 5 from that invention disclosure shows a graph of data measured from an actual laminated structure that forms the underlayer of Applicants' claimed invention.

In view of the attached declaration, Applicants believe that the supporting evidence establishes that Shukh is not available as a Section 102(e) reference and the Examiner's indicated allowability of claims 10-11 and 25-26 if amended to be in independent form is appropriate.

In the previous amendment filed 13 November, 2002 independent claim 1 was amended to include the limitation of claim 10, independent claim 15 was amended to include the limitation of claim 25, and claim 26 was amended to depend from claim 15. Thus all remaining claims are believed in condition for allowance.

The Examiner is invited to call Applicants' attorney if a telephone conference will expedite the prosecution of the application.

Respectfully submitted,

Matthew J. Carey et al.

By Thomas R. Berthold

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